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FM AMEMBASSY ASHGABAT

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UNCLAS SECTION 01 OF 02 ASHGABAT 001161

SENSITIVE

SIPDIS

STATE FOR SCA/CEN, DRL

E.O. 12958: N/A

TAGS: PHUM KDEM PGOV SOCI TX

SUBJECT: TURKMEN PRESIDENT PARDONS 1,284 PRISONERS

¶1. (U) Sensitive but Unclassified. Not for Internet distribution.

¶2. (SBU) SUMMARY: At the recent session of Cabinet of Ministers of Turkmenistan, on the occasion of holy "Gadyr Gijesi" (Night of Omnipotence) President Gurbanguly Berdimuhamedov signed a decree on the pardoning of prisoners. In line with the decree, a total of 1,284 persons including 21 foreigners have been released from further serving their prison sentences and also from additional punishment in the form of obligation to reside in certain areas. Government of Turkmenistan has been practicing pardoning of prisoners in honor of Omnipotence Night since 1999. Omnipotence Night is the night from 26th to 27th day of Ramadan, a sacred month for Muslims. Although the pardoning of prisoners is a welcome step given the flawed judicial system and horrendous prison conditions, yet, the fact that the government focuses on petty criminals and rarely includes persons sentenced for political reasons indicates that there are limits to Turkmen officials' mercy. END SUMMARY.

OMNIPOTENCE NIGHT PARDONING

¶3. (SBU) At the September 9 session of the Cabinet of Ministers, Minister of National Security Chary Amanov reported on preparation of a list of prisoners to be pardoned on the occasion of one of the most honored and sacred dates for Muslims - Omnipotence Night. Noting that the act of pardoning is a tribute to humane traditions of their ancestors, President Berdimuhamedov informed the Cabinet that 1,284 persons, including 21 foreigners, would return to their homes on the Night of Omnipotence. Having signed the decree on pardoning, Berdimuhamedov authorized publication of the list and instructed relevant officials to take all measures to enable pardoned persons to celebrate the holiday at their homes among their families. Thus, according to the Presidential decree, 1,284 persons were pardoned,

released from further serving their prison sentences and also from additional punishment in the form of obligation to reside in certain areas.

THE PARDONING STATISTICS

14. (SBU) Out of the total 1,284 persons pardoned by the Presidential decree, the names of 1,263 persons were published in September 10th issues of local newspapers. The remaining 21 persons were foreigners and their names are normally not published in local papers. Only 81 out of 1,263 published names were those of criminals who were convicted before 2009, which is 6.4 percent of the total. The figure includes three persons convicted in 1999, three in 2001, two in 2002, eight in 2003, eleven in 2004, three in 2005, two in 2006, 13 in 2007, and 36 in 2008. In terms of age, the oldest person pardoned was 71 years old, and the youngest was 15 years old. In terms of gender, out of 1,263 names published, 1,169 were men and 94 were women. Post found no names of individuals of concern (convicted for alleged involvement in November 2002 assassination attempt on President Niyazov, or persons of individual Human Rights concern) on the list.

BACKGROUND HISTORY

15. (SBU) According to the law on annual pardoning of prisoners in honor of "Gadyr gjjesi" (Omnipotence Night), convicts tried for insignificant crimes are

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released from prisons. The law has been in effect since December 29, 1999. Omnipotence Night is the night from 26th to 27th day of Ramadan, the sacred month for Muslims. This year the Omnipotence Night falls on the night from September 16th to 17th. While the country's former President Niyazov used to pardon a large number of prisoners only once a year on Omnipotence Night, Berdimuhamedov pardons smaller numbers of prisoners several times a year on the occasion of significant dates for the country.

16. (SBU) COMMENT: After the Khitrovka armed incident between a drug gang and law enforcement officials in Ashgabat in mid September 2008, Berdimuhamedov, according to unofficial sources, allegedly banned pardoning of persons convicted for drug-related crimes. While the list of pardoned prisoners in previous years included mainly those involved in drug-related crimes, this year it is believed that that is not the case. The list does not state what crime a person was charged for, however, according to many local residents, the list consists primarily of those who committed petty crimes in 2009. Although the pardoning of prisoners is a welcome step given the flawed judicial system and horrendous prison conditions, yet, the fact that the government focuses on petty criminals and rarely includes persons sentenced for political reasons indicates that there are limits to Turkmen officials' mercy. END COMMENT.

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